LEGAL NOTICE
TOWN OF ARLINGTON
AMENDMENTS TO ZONING AND TOWN BY-LAWS

Pursuant to the provisions of Section 32 of Chapter 40 of the General Laws of Massachusetts, I Juliana H. Brazile, Town Clerk of the Town of Arlington, hereby give notice regarding amendments to the Town Bylaws adopted under Articles 6, 8, 9, 11, 12, and 13, and amendments to the Zoning Bylaws adopted under Articles 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 43, 44, and 48 under the Warrant for the Annual Town Meeting convened on April 26, 2021 which were approved by the Office of the Attorney General of the Commonwealth on September 28, 2021.

For any amendment to the Zoning Bylaw, claims of invalidity by reasons of any defect in the procedure of adoption or amendment may only be made within 90 days of the second publication of this text on October 14, 2021.

Copies of the complete text of the amendments may be obtained in the Office of the Town Clerk upon request or at arlingtonma.gov/departments/clerk-s-office

Changes to the Town Bylaws are found on pages 1 – 8; Zoning Bylaw pages 8 – 25.

ATTEST: Juliana H. Brazile
Town Clerk

The following is the text of the changes to the Town Bylaws approved by Town meeting:

That Title II, Article 12, Section 1c of the Town Bylaws (Community Preservation Act Committee) is amended as follows:

c. At-large members shall be appointed to the following initial terms: One (1) for a one-year term, two (2) for two-year terms, and one (1) for a three-year term. All subsequent terms shall be for three years. All other members shall serve a term determined by their designating bodies not to exceed three years. All members, at-large and otherwise, are eligible for reappointment. Should any appointing or designating authority fail to appoint a successor to a CPC member whose term is expiring, such member may continue to serve until the relevant authority names a successor.

~~No At-Large member of the Community Preservation shall serve more than six consecutive years at a time. A waiting period of three years shall be imposed on any member of the Committee after serving six consecutive years, if they wish to rejoin the Committee.~~

That Title VIII, Article 2, Section 4A and 4F of the Town Bylaws (Canine Control) is amended as follows:

A. Licensing Requirement.

1. License required. The owner or keeper of any dog over the age of six months kept in the Town of Arlington shall obtain a license for the dog from the Town Clerk.

2. Annual renewal. Licenses issued under this section shall be renewed on an annual basis in accordance with procedures to be determined by the Town Clerk. Licenses

are issued for the calendar year and must be renewed every year on or before January 1st, although there is a grace period established in sub-section F before fines are assessed.

3. Transfer. Within 30 days of moving into the Town ~~within a licensing period~~, the owner or keeper of a dog must apply to the Town Clerk ~~to transfer the dog's~~ for a license. ~~The Town Clerk shall issue a transfer license for a fee and in accordance with procedures that the Town Clerk shall determine.~~

F. Fees. (ART. 10, ATM – 04/23/18)
1. Annual license fees. The annual license fees are as follows:
a. female: $20
b. spayed female: $15
c. male: $20
d. neutered male: $15

To be charged the lower fee for licensing a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (a) a certificate from the veterinarian who spayed or neutered the dog; (b) a veterinary bill for performing the procedure; or (c) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.

2. Failure to comply; penalties.
a. Penalty for failure to comply with licensing requirements.
Failure to comply with this section shall be punishable by a fine of ~~$50~~ $25.

Grace period. Failure to ~~comply with this section within~~ satisfy licensing requirements before the first Thursday following 45 business days of the 1st of January each year ~~date that the licensing or re-licensing obligation arises~~ will constitute failure to comply with licensing requirements.

b. Additional late fees.
Missed year. An additional ~~$50~~ $25 fine shall be applied where owners fail to register a dog for an entire calendar year, due upon registration the following calendar year, and the license fee for the missed year must be paid in full. These late fees shall be in addition to any other applicable penalty provided for in this Bylaw.

Multiple penalties. If the owners fail to register a dog for an entire calendar year and apply for registration outside of the grace period, the fine will consist of the $25 late fee and the $25 skipped year fee, due upon registration in the current year.

3. Waiver of fees.
a. Service animal.
No fee shall be charged for the licensure of a service animal as defined 9 by the Americans with Disabilities Act or regulations promulgated thereunder. Late fees apply.

b. Owner aged 70 and over.

If the Town so votes in accordance with Section 139(c) of Chapter 140 of the General Laws, no fee shall be charged for the licensure of a dog owned by a person aged 70 years and older. Late fees apply.

4. No refund of fees.
No license fee paid under this section shall be refunded, in whole or in part, due to mistake or due to the subsequent death, loss, spay or neuter, removal from the Town or the Commonwealth, or other disposal of the licensed dog.~~"; and~~

That Title V, Article 1, Section 2 of the Town Bylaws (Display of Notices) is amended as follows:

Section 2. Fines for Violations

Whoever violates any of the provisions of this By-Law shall be punished by a fine of not more than one hundred dollars ($100), and whoever, after conviction for such violation unlawfully maintains such notice for twenty (20) days thereafter shall be punished by a fine of not more than ~~five~~ three hundred dollars (~~$500~~300).

That Title V, Article 15 of the Town Bylaws (Stormwater Management) is retitled and amended as follows:

ARTICLE 15
~~STORM WATER MITIGATION~~ STORMWATER MANAGEMENT
(ART. 10, ATM – 04/25/07)

Section 1. Purpose
The purpose of this bylaw is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction and post-development stormwater runoff, decreased groundwater recharge, climate change impacts, and nonpoint source pollution associated with new development, redevelopment, and other land alterations. Stormwater runoff can be a major cause of:
(1) Impairment of water quality and flow in lakes, ponds, streams, rivers, coastal waters, wetlands, groundwater, and drinking water supplies;
(2) Contamination of drinking water supplies;
(3) Contamination of downstream coastal areas;
(4) Alteration or destruction of aquatic and wildlife habitat;
(5) Overloading or clogging of municipal stormwater management systems; and
(6) Flooding.

The objectives of this bylaw are to:
(1) Protect wetland and water resources;
(2) Mitigate climate change impacts;
(3) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
(4) Prevent and reduce pollutants from entering Arlington's municipal separate storm sewer system (MS4);
(5) Prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;

(6) Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality and the control of sedimentation and erosion on disturbed sites;
(7) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater best management practices to ensure that they continue to function as designed, and pose no threat to public safety; and
(8) Establish Arlington's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

~~Section 1.~~ Section 2. Definitions
A. The following terms, when used whether or not capitalized in this Bylaw, shall have the meanings set forth below, unless the context otherwise requires. Additional definitions may be set forth in the Rules and Regulations promulgated by the Department of Public Works under Section 6.C of this bylaw.

"Building footprint" – The outline of the total area covered by a building's perimeter at the ground level.

"Development" – The modification of land to accommodate a new use or expansion of use, usually involving construction.

"Impervious surface" – A hard-surfaced, human-made area that does not readily absorb or retain water, preventing the infiltration of storm water runoff; including but not limited to building roofs, parking and driveway areas, sidewalks, paved recreation areas, structural additions, accessory structures, roads, pools, and play areas.

"Land Alteration" – Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics.

"Predevelopment" – The status of a property at the time prior to request for a permit for new construction or increase to the impervious surface area of a lot.

"Runoff" – Rainfall, snowmelt, or irrigation water flowing over the ground surface or directed through a pipe or culvert.

"Runoff Rate" – The speed and volume of stormwater which flows over the surface of the land.

"Stormwater" – ~~storm water, snow melt; the flow of water which results from precipitation and which occurs following rainfall or snowmelt~~ Runoff from precipitation or snow melt and surface water runoff and drainage.

Section 3. Authority
This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

~~Section 2.~~ Section 4. Applicability
~~This bylaw is applicable to the following development or redevelopment:~~

~~A. All development of a previously undeveloped vacant lot, resulting in a structure where building footprint and other impervious surfaces exceeds 500 square feet;~~
~~B. Alteration of a developed property resulting in an increase to the impervious area of a lot by more than 350 square feet.~~
~~This bylaw shall not apply, however, to the paving of private ways that are owned in common with abutting lot owners, and that serve purposes similar to that of public ways, and that are not driveways entirely located on a single lot or on multiple lots under the same ownership.~~
A. This bylaw shall be applicable to all new development, development, redevelopment, or land alteration activities resulting in either an increase in impervious surface of 350 square feet or more, or land alteration of 1 acre or more, including such activities that may also require a permit issued by the Redevelopment Board, Conservation Commission, Zoning Board of Appeals, and/or the Inspectional Services Department. A development shall not be segmented or phased in a manner to avoid compliance with this bylaw. This bylaw shall also apply to land alterations or disturbances that are less than one acre but are part of a larger plan of development disturbing one acre or more.
B. Project Categories. The Permitting Authority may by regulation establish categories of projects ranging from “minor” to “major” based on project size, scope, nature, or location. Project Application requirements and submittals, fees, and criteria for permit issuance shall be scaled appropriately based on project category.

~~Section 3. Standard~~
~~No project subject to this bylaw may increase the surface water runoff rate relative to the predevelopment runoff rate.~~

~~Section 4.~~ Section 5. Procedure
~~A. Application: Prior to the issuance of a building permit for any activity subject to this bylaw, a grading and drainage plan shall be submitted to the Engineering Division, consistent with specifications to be developed by the Arlington Department of Public Works. A fee of $25.00 shall be assessed to cover the costs of review of the plan.~~
~~B. Review: The Engineering Division will review the application, and within 14 days approve, approve subject to conditions, or reject the plan.~~
~~C. Relief: The applicant may request relief when strict adherence to this bylaw can be shown to constitute significant hardship due to unique topographical aspects of the site or due to serious financial hardship. Relief may be granted by the Director of Public Works, after consultation with the Engineering Division which decision shall be made within 14 days after the request for same is made. Further relief from the decision of the Director of Public Works may be sought from the Zoning Board of Appeals, which will make a de novo determination after a hearing on the merits. The Zoning Board will convene such hearing within 21 days of a request for relief from the applicant and make a decision within 14 days of the hearing.~~
~~D. Prior to project completion, the Town Engineer or the Engineer’s representative shall determine if there has been compliance with the storm water plan; if found to be not in compliance, the applicant will be notified of remaining work to be done; if found in compliance, a certificate of completion will be issued.~~
~~E. Any attempt to occupy the premises by the applicant or anyone else without compliance with the provisions of this bylaw shall be punishable by a fine of $200 each day of noncompliance to be considered a separate offense.~~

Permit procedures and requirements shall be defined in the Rules and Regulations promulgated pursuant to Section 6.C. of this bylaw.

~~Section 5.~~ Section 6. Administration

~~A. The Engineering Division, subject to approval by the Director of public Works and the Town Manager, shall establish administrative procedures for the review and approval of storm water management plans. Failure to promulgate rules and regulations will not have the effect of suspending or invalidating this bylaw.~~

~~B. The Engineering Division shall utilize the policy, criteria, and information, including specifications and standards, of the latest edition of the Massachusetts Department of Environmental Protection's revised Surface Water Discharge Permit Regulations at 314 CMR 3.06(11)(b)5 Storm Water Management Policy for execution of the provisions of this bylaw.~~

A. The Town Engineer or its Designee shall administer this bylaw.

B. The Engineering Division may designate additional authorized agents (Designees) of the Conservation Commission, Redevelopment Board, Zoning Board of Appeals, or Building Inspector to issue Stormwater Permits concurrent with other permitting processes for projects when the land alteration or change in impervious cover is wholly under their jurisdiction.

C. The Engineering Division, subject to approval by the Director of Public Works and the Town Manager, shall adopt, and may periodically amend, Stormwater Management Rules and Regulations including terms, conditions, definitions, enforcement, fees, delegation of authority, procedures and administration of this Bylaw. A public hearing must be held at least 2 weeks prior to the adoption or amendment of such Rules and Regulations, and a draft of the proposed Rules and Regulations must be made publicly available at least 2 weeks prior to the public hearing. Failure of the Engineering Division to issue such Rules and Regulations or legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this Bylaw.

D. Stormwater Management Standards. For execution of the provisions of this Bylaw, the Permitting Authority shall define stormwater management standards within the Rules and Regulations. These standards shall incorporate into the Rules and Regulations the minimum standards of the EPA National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4 Permit) and the specifications and standards of latest editions of the Massachusetts Stormwater Management Standards and Technical Handbooks or an approved local alternative that is based on more current information. The stormwater management standards may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience.

E. The Department of Public Works or its Designee has the authority to resolve illicit connections by the means necessary. This authority may be set forth by this Bylaw and is stated in the Rules and Regulations as stated in the Rules and Regulations Relating to Use of Public and Private Sewers.

Section 7. Enforcement

The Engineering Division or its Designee shall enforce this Bylaw, Regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

A. Civil relief. If a person violates the provisions of this Bylaw, or any associated Regulations, permit, notice, or order issued thereunder, the Engineering Division or its Designee may seek injunctive relief in a court of competent jurisdiction restraining the

person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
B. Orders. If the Engineering Division or its Designee determines that a person's failure to follow the requirements of this Bylaw, any regulatory provision issued hereunder, or any authorization issued pursuant to this Bylaw or Regulations is creating an adverse impact to a water resource, then the Engineering Division or its Designee may issue a written order to the person to remediate the adverse impact, which may include requirements to:
(1) Cease and desist from land-disturbing activity until there is compliance with the Bylaw or provisions of an approved Stormwater Management Permit;
(2) Maintain, install, or perform additional erosion and sediment control measures;
(3) Perform monitoring, analyses, and reporting;
(4) Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;
(5) Comply with requirements in the Stormwater Management Permit for operation and maintenance of stormwater management systems;
(6) Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems; and/or
(7) Eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.
C. If the Engineering Division or its Designee determines that abatement or remediation of pollutants is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Engineering Division or its Designee within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Engineering Division or its Designee affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. c.59, § 57 after the 30th day at which the costs first become due.

Section 8. Fee Schedule
A. Permit fees are payable at the time of Application and are nonrefundable.
B. Permit fees shall be calculated by the Engineering Division and shall be approved by the Director of Public Works and Town Manager. Fees shall be outlined within the Rules and Regulations.
C. Town, County, State, and Federal projects are exempt from fees.
D. Consultant Fee. Upon receipt of a Stormwater Permit Application the Engineering Division is authorized to require an Applicant to pay a fee for the reasonable costs and expenses borne by the Engineering Division for specific expert engineering and other consultant services deemed necessary by the Engineering Division to come to a final decision on the Application. The fee is called the consultant fee. The consultant shall be chosen by, and report only to, the Engineering Division. The exercise of discretion by the Engineering Division in making its determination to require payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.

The Engineering Division shall return any unused portion of the consultant fee to the Applicant. Any Applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provision of the Massachusetts General Laws.

Section 9. Severability
If any provision, paragraph, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

That Title I, Article 6, Section 16 ("Holidays") of the Town Bylaws be and is hereby amended to add a new holiday "Juneteenth Independence Day" and to strike the words "Columbus Day" and insert the words "Indigenous Peoples Day (known as the state and federal holiday 'Columbus Day')" so as to read as follows:

The following days in each year shall be considered as holiday credits:

New Year's Day, Martin Luther King Day, Washington's Birthday, Patriot's Day, Memorial Day, Juneteenth Independence Day, Independence Day, Labor Day, ~~Columbus Day~~ Indigenous Peoples Day (known as the state and federal holiday "Columbus Day"), Veterans' Day, Thanksgiving Day, Christmas Eve Day if same Falls on a Monday Through Friday, Christmas

The following is the text of the changes to the Zoning Bylaw approved by Town meeting:

To amend the Zoning Bylaw in Section 2 by adding the following definitions:

Accessory Dwelling Unit: A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling.

Apartment Conversion: The conversion of an existing structure originally designed for one-family or two-family use to an apartment building with no addition to or expansion of the exterior of the structure.

Marijuana Delivery-Only Retailer: An entity licensed by the Massachusetts Cannabis Control Commission to deliver directly to consumers from a Marijuana Retailer or a Medical Marijuana Treatment Center and that does not provide a retail location accessible to the public.

Definitions associated with Art/Cultural Uses

Artists' Mixed-use: The use of all or a portion of a building for both habitation and Artistic/Creative Production use, or a combination thereof. Refer to Section 5.6.4.

Co-working Space: A building or portion thereof consisting of a shared office environment, which contains desks or other workspaces and facilities, including but not limited to, dedicated workstations, office suites, meeting rooms, event space, resource libraries, and

business or administrative support services, and is used by a recognized membership who share the site to interact and collaborate with each other. Refer to Section 5.6.4.

Maker Space: A building or portion thereof used for the on-site production of parts or finished products by individual or shared use of hand-tools, mechanical tools, and electronic tools. Maker Spaces may include space for design and prototyping of new materials, fabrication methodologies, and products, as well as space for packaging, incidental storage, sales, and distribution of such projects. Typical uses include but are not limited to: electronic goods; printmaking; leather products; jewelry and clothing/apparel; metal work; furniture; woodworking and cabinet shops; glass or ceramic production; and paper design and production. Refer to Section 5.6.4.

Work Only Artist Studio: A space used by an artist for the creation of any visual art or craft, including but not limited to, painting, drawing, photography, sculpture, and pottery; of written works of fiction or nonfiction; or any performing art, whether for live or recorded performance, including music, dance, and theater. Retail sales of art produced on-site and arts instruction by the artist are allowable accessory uses.

Definitions associated with Light Manufacturing

Brewery, Distillery, and Winery: A small, independently owned facility in which alcoholic beverages produced on-site are bottled and sold, typically in conjunction with a bar, tavern, or restaurant use. This includes the substantial equivalent to breweries, distilleries, and wineries. Refer to Section 5.6.4.

Flex Space: A combination of commercial activities under a single commercial entity, such as light manufacturing, office, distribution, research and development, or retail uses. Refer to Section 5.6.4.

Food Production Facility: Food and beverage manufacturing plants that transform raw materials into products for intermediate or final consumption by applying labor, machinery, energy, and scientific knowledge. Food production facilities do not include marijuana establishments or medical marijuana treatment centers. Refer to Section 5.6.4.

Self-Service Storage Facility: A building consisting of small, individual self-contained units that are leased or owned for the storage of business and household goods or contractor supplies, but precluding individual storage units that have at grade and direct vehicular access.

Vertical Farming: A building used for the practice of producing food on vertically inclined surfaces in vertically stacked layers. Vertical farming does not include marijuana establishments or medical marijuana treatment centers. Refer to Section 5.6.4.

To amend the Zoning Bylaw in Section 2 by amending the following definitions:

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, <u>Marijuana Delivery-Only Retailer,</u> Independent Testing Laboratory, Marijuana Research Facility, or any other type of licensed marijuana-related business except not a Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary or RMD.

Marijuana Microbusiness: A co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, pursuant to 935 CMR 500.00, in compliance with the operating procedures for each license, and if in receipt of a Delivery Endorsement issued by the Cannabis Control Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to consumers in compliance with establish regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments, pursuant to 935 CMR 500.00.

Marijuana Production Facility: An establishment authorized to cultivate, manufacture, process or package marijuana products, in accordance with applicable state laws and regulations. A Marijuana Production Facility may be licensed to operate as a Marijuana Microbusiness, Marijuana Cultivator or Marijuana Product Manufacturer, or registered as Medical Marijuana Treatment Center (also known as a Registered Marijuana Dispensary or RMD), or a co-located medical and non-medical establishment, in accordance with applicable state laws and regulations.

Marijuana Retailer: An entity licensed to purchase and transport Marijuana Products from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. ~~Retailers are prohibited from off-site delivery of Marijuana Products to consumers; and from offering Marijuana Products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.~~ A Marijuana Retailer can deliver Marijuana or Marijuana Products to consumers in accordance with the regulations at 935 CMR 500.00. A Marijuana Retailer may not allow on-site social consumption by consumers on the premises of the Marijuana Establishment.

Marijuana Use: A Marijuana Production Facility (See “Marijuana Cultivator”, “Marijuana Product Manufacturer”, “Marijuana Microbusiness”, and “Marijuana Production Facility”), Marijuana Research and Testing Facility (See “Independent Testing Laboratory” and Marijuana Research Facility”), Marijuana Retailer, Marijuana Delivery-Only Retailer, or Medical Marijuana Treatment Center as defined in this Zoning Bylaw.

Medical Marijuana Treatment Center: ~~An establishment registered with the Commonwealth pursuant to 105 CMR 725.100~~, An entity licensed under 935 CMR 501.101, also known as a “registered marijuana dispensary” (RMD), that acquires, cultivates, possesses, processes (including development of related products such as ~~food~~ edibles, marijuana-infused products, tinctures, aerosols, oils, or ointments), repackages, ~~transfers~~, transports, sells, ~~offers for sale~~, distributes, delivers, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use ~~purposes in accordance with applicable state laws and regulations.~~ Unless otherwise specified, Medical Marijuana Treatment Center refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

Open Space, Landscaped: Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more

than 10 feet above the level of the lowest story used for dwelling purposes. Refer to Section 5.3.22.C. for how to calculate landscaped open space.

Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet. Refer to Section 5.3.22.C. for how to calculate usable open space.

To amend the Zoning Bylaw in several sections to update references to the Select Board and to update the use of certain nouns and pronouns as follows:

Section 3.1.4.B: The Building Inspector may, with the approval of the ~~Board of Selectmen~~ Select Board, institute the appropriate criminal action or proceeding at law or in equity to prevent any unlawful action, use or condition, and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed in an amount not to exceed three-hundred dollars ($300.00) for each offense. Each day, or portion of a day, in which a violation exists shall be deemed a separate offense.

Section 3.2.1: There shall be a Zoning Board of Appeals ("Board of Appeals") consisting of five members and two associate members appointed by the ~~Board of Selectmen~~ Select Board. All members of the Board of Appeals shall be Arlington residents, one member shall be an attorney-at-law, and at least one of the remaining members shall be a registered architect or a registered professional engineer. The appointment, service, and removal or replacement of members and associate members and other actions of the Board of Appeals shall be as provided for in G.L. c. 40A.

Section 3.2.3.A: The ~~Chairman~~ Chair of the Board of Appeals, or in ~~his~~ their absence the Acting ~~Chairman~~ Chair, may administer oaths, but must do so for hearings involving G.L. c. 40B, summon witnesses and call for the production of papers. All hearings shall be open to the public. The Board of Appeals and all permit and special permit granting authorities shall hold hearings and render decisions in accordance with the applicable time limitations as set forth in G.L. c. 40A §§ 9 and 15. The Board of Appeals shall cause to be made a detailed record of its proceedings which in the case of G.L. c. 40B hearings shall require that all testimony be electronically recorded, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reasons for its decisions, and of its other official actions, copies of all of which shall be filed within14 days in the office of the Town Clerk and the office of the Arlington Redevelopment Board and shall be a public record, and notice or decisions shall be mailed immediately to the petitioner and to the owners of all property deemed by the Board of Appeals to be affected thereby, including the abutters and the owners of land next adjoining the land of the abutters, notwithstanding that the abutting land or the next adjoining land is located in another city or

town, as they appear on the most recent local tax list, and to every person present at the hearing who requests that notice be sent to ~~him~~ them and states the address to which such notice is to be sent. Upon the granting of a limited or conditional zoning variance or special permit, the Board of Appeals shall issue to the land owner a notice, certified by the ~~chairman~~ chair or clerk, containing the name and address of the land owner, identifying the land affected, and stating that a limited or conditional variance or special permit has been granted which is set forth in the decision of the Board on file in the office of the Town Clerk. No such variance or permit shall take effect until such notice is recorded in the Middlesex County Registry of Deeds.

Section 6.2.7.D: Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, is required when the use of the sign and/or the property on which the sign is located has been abandoned, ceased operations, become vacant, or been unoccupied for a period of 180 consecutive days or more as long as the period of non-use is attributable at least in part to the property owner, tenant, or other person or entity in control of the use. For purposes of this Section, rental payments or lease payments and taxes shall not be considered as a continued use. In the event this should occur, these conditions will be considered as evidence of abandonment, requiring removal of the nonconforming sign by the owner of the property, ~~his/her~~ their agent, or person having the beneficial use of the property, building or structure upon which the nonconforming sign or sign structure is erected within 30 days after written notification from the Building Inspector. If, within the 30-day period, the nonconforming sign is not removed, enforcement action consistent with Section 3.1 shall be pursued.

To amend the Zoning Bylaw in Section 3.1 by adding a paragraph D as follows:

D. All special permits, variances, and other relief granted by the Arlington Redevelopment Board and Board of Appeals are conditioned upon compliance with the conditions set forth in such permits and other forms of relief, the State Building Code, and, where applicable, the Massachusetts Architectural Access Board regulations.

To amend the Zoning Bylaw in Section 3.3.4.A as follows:

Dimensional standards more restrictive than those set forth in ~~Section 7~~ Section 5 of this Bylaw;

To amend the Zoning Bylaw in Section 4.2 by amending it as follows:

Zoning districts are shown on a map entitled "Zoning Map of the Town of Arlington, MA" and dated ~~May 19, 2015~~ November 16, 2020 (the Zoning Map) on file in the Office of the Town Clerk and the Department of Planning and Community Development. The district boundaries shown on the Zoning Map, including an overlay map entitled "Wetland and Floodplain Overlay" are part of this bylaw. The Zoning Map may include geographical features, streets, notations, and such other information to keep the map current and to facilitate orientation.

To amend the Zoning Bylaw in Section 5.2.2 by amending it as follows:

A. Any use not listed in the Tables of Uses for various districts in Section 5 or otherwise allowable under the provisions of this Bylaw is prohibited.

B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, are expressly prohibited in all districts.

C. Any use not designated with a "Y" (Yes, use allowed) or "SP" (Special Permit required) in the Tables of Uses for various districts is prohibited in that district, unless otherwise authorized by this bylaw.

To amend the Zoning Bylaw in Section 5.3.7 by adding a section D as follows:

D. In Industrial Districts, screening along the Minuteman Bikeway shall be limited to a vegetative screen, guardrail, and/or low fence under 4 feet in height only. Such screening shall either have gaps or vary in height to provide lines of sight from the Minuteman Bikeway to the adjoining property to promote safety for pedestrians and bicyclists. Pedestrian amenities such as seating, bins for recycling and refuse collection, and appropriate supplementary lighting shall be integrated within the landscaped area of the buffer.

To amend the Zoning Bylaw in Section 5.3.17 as follows:

For buildings in excess of three (3) stories in height, an additional seven and one half (7.5) foot step back (upper story building setback) shall be provided beginning at the fourth (4th) story. The upper story stepback shall be provided along all building elevations with street frontage, excluding alleys. This requirement shall not apply to buildings in the Industrial District.

To amend the Zoning Bylaw in Section 5.3.22 as follows:

A. For the purposes of this bylaw, the following areas of buildings are to be included in the calculation of Gross Floor Area:

(1) Elevator shafts and stairwells on each floor;
(2) Attic areas with headroom, measured from subfloor to the bottom of the roof structure, of seven feet ~~three inches or more~~, except as excluded in (4) below;
(3) Interior mezzanines;
(4) Penthouses;
(5) Basement areas except as excluded in (2) below;
(6) Cellars in residential uses;
(7) All-weather habitable porches and balconies; and
(8) Parking garages except as excluded in (1) below.

B. For the purposes of this bylaw, the following areas of buildings are to be excluded from the calculation of Gross Floor Area:

(1) Areas used for accessory parking, or off-street loading purposes;
(2) Basement areas devoted exclusively to mechanical uses accessory to the operation of the building;
(3) Open or lattice enclosed exterior fire escapes;
(4) Attic and other areas used for elevator machinery or mechanical equipment accessory to the operation of the building; and
(5) Unenclosed porches, balconies, and decks.

C. For the purposes of this bylaw, the district dimensional requirements for Usable Open Space and Landscaped Open Space are calculated based on Gross Floor Area.

To amend the Zoning Bylaw in Section 5.4.2.B(4) as follows:

(4) Front Yard Minimum Lot Width Requirements and Exceptions. The minimum front yard lot width shall be 50 feet at all points between the front lot line and the nearest building wall, except that such minimum front yard lot width shall not apply to (i) any lot excepted under Section 5.4.2 (B)(1) or 5.4.2(B)(2) or 5.4.2(B)(8) or (ii) restoration of any principal building that existed on a lot or for which a building permit was issued prior to February 1, 1988.

To amend the Zoning Bylaw in Sections 5.4.2.C and 5.4.2.D as follows:

C. One exception is made for attached single-family dwellings on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street. Attached single-family dwellings existing ~~in~~ as of August 28, 1975, on these streets are permitted as a right.

D. In the R0, R1 and R2 districts no new licensed nursing home, rest home, convalescent home facilities shall be constructed except at sites whereon these facilities existed as of August 28, 1975. These existing facilities may be reconstructed to meet code requirements in accordance with a special permit under 3.3 and 3.4.

To amend the Zoning Bylaw in Section 5.4.2 by adding a section 5.4.2.B(8) as follows:

(8) Exemption for energy efficient homes on R0, R1 or R2 lots with an existing principal building. The minimum frontage and lot area requirements shall not apply to homes constructed to the lower of either (i) Home Energy Rating System (HERS) Score of 44 or below, or (ii) the maximum allowed HERS Score defined in the International Energy Conservation Code as adopted and amended by Massachusetts, and:

- The new structure is built within the existing foundation footprint, or with an addition that is not a Large Addition as defined in Section 5.4.2.B(6), or
- By special permit.

To amend the Zoning Bylaw in Section 5.4.3 as follows:

Class of Use	**R0**	**R1**	**R2**	**R3**	**R4**	**R5**	**R6**	**R7**
Accessory Uses								
Accessory Dwelling	Y	Y	Y	Y	Y	Y	Y	Y

To amend the Zoning Bylaw in Section 5.5.3 by adding to the table as follows:

Class of Use	**B1**	**B2**	**B2A**	**B3**	**B4**	**B5**
Accessory Uses						
Accessory Dwelling	Y	Y	Y	Y	Y	Y

Retail	
Marijuana Delivery-Only Retailer	SP

To amend the Zoning Bylaw in Section 5.6.3 by adding to the table as follows:

Retail	MU	PUD	I	T	OS
Marijuana Delivery-Only Retailer			SP		

To amend the Zoning Bylaw in Section 5.6.1.B as follows:

B. The Industrial District in the Mill Brook Valley allows uses requiring the manufacture, assembly, processing, or handling of materials and requires additional measure to prevent traffic, noise, appearance, odor, or hazards from becoming disruptive to residential and other business uses. In this district, the Town ~~discourages residential uses, retail business uses, or uses which would otherwise interfere with the intent of this Bylaw. Mixed-use development is allowed without residential space~~ allows residential uses, retail business uses, and restaurants if they are accessory to an industrial use to supportthe continuation of industrial uses in Arlington. Mixed-use development is allowed with all uses.

To amend the Zoning Bylaw in Section 5.6.2 by adding a legend for the tables as follows:

Sq.ft.	Square feet
ft	Feet
L	Length
H	Height
W	Width
ROW	Right-of-Way
SP	Special Permit
Y	Yes (use allowed)

To amend the Zoning Bylaw in Section 5.6.2 by amending Section A. as follows:

All Other District Maximum Height and Floor Area Ratio

	Requirement Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
MU	70[A,B]	----	1.00
I	~~52~~65[C] 39	~~3~~5[C] 3[C]	~~1.50~~3.00
T	35	2 ½	0.35
PUD	85	----[D]	0.80
OS	----[E]	----[E]	----

Notes:

[A] The maximum height in feet of any building or buildings may be modified per Section 3.4 of this Bylaw, provided that the total roof area exceeding either maximum height shall be equal to an equal roof area, within the part of the project to which the same height limit

applies, that is less than the maximum height so that the total of the products of the horizontal roof area of all roofs times their respective heights shall not exceed the product of the horizontal area of the total roof times the applicable maximum height permitted in the district, and provided further that the height of any roof shall not exceed the applicable maximum height permitted in the district by more than 12 feet.
[B] See Section 5.3.17.
[C] ~~Upper-story building setbacks required on structures with more than three stories. See Section 5.3.21~~. Subject to amenity requirements in Section 5.6.2.D(7).
[D] In a mixed-use building, residential uses shall be limited to five stories.
[E] Accessory buildings in the OS district shall be located on the property so as not to detract from the primary goal of the open space use.

To amend the Zoning Bylaw in Section 5.6.2 by adding a Section D. as follows:

D. Development Standards. In the Industrial District, the following requirements apply to all new development or additions over 50% of the existing footprint:

(1) Renewable Energy Installations
- The Redevelopment Board may, by special permit, allow adjustments to the height and setbacks in order to accommodate the installation of solar photovoltaic, solar thermal, living and other eco-roofs, energy storage, and air-source heat pump equipment. Such adjustments shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site, consistent with the other requirements of this section.
- All new commercial and mixed-use buildings shall be solar ready
- Additions over 50% of the footprint of existing buildings shall be solar ready to the extent feasible.

(2) Yards
- Where feasible, the principal façade of the principal building on the site shall be no more than 10 feet from the front lot line.
- The use of rain gardens, bioswales, and wetlands restoration to control runoff and manage stormwater on-site within setbacks is strongly encouraged. Such systems shall be integrated with the surface water drainage systems in Section 3.4.4.E. See Section 6.1.11.F(3) for relationship to parking areas.
- Fences greater than 4 feet tall within the abutting setback to the Minuteman Bikeway shall be prohibited. See Section 5.3.7.D. for additional requirements.

(3) Transparency and Access
- The required minimum transparency of the ground floor principal façade visible from a public right-of-way is 50% of the area measured between 2 and 8 feet in height from the level of the finished sidewalk.
- All façades visible from a public right-of-way shall be given equal treatment in terms of architectural detailing. No blank façades are permitted. Façades shall be articulated every 50 to 80 feet.
- Each building shall have a clearly defined primary entrance that faces the principal street. A corner door may be used for a building that faces two public streets.
- The primary building entry shall be connected by an accessible surface to the public sidewalk.

(4) Lighting

- All luminaires shall be consistent with the requirements of Title V, Article 14 of the Town Bylaws, unless noted below.
- All site and building lighting shall be downcast (75-degree cutoff or fully shielded). Lighting for walkways or parking lots shall be adequately spaced to create even light distribution.
- Site luminaires shall minimize overspill onto an adjacent property and glare when viewed from the public right-of-way or abutting properties.

(5) Pedestrian Amenities. All new development or additions over 50% of the existing footprint shall provide the following:
- A shade tree every 35 linear feet of lot frontage along a public right of way, and to the extent practicable, irrigated planter boxes every 15 linear feet of frontage along a public right of way:
- And one of the following; however, for lots that abut the Minuteman Bikeway, this amenity should be located within the yard adjacent to the Bikeway:
    - One (1) piece of interactive art accessible to the public;
    - One (1) artful rainwater collection system, an above ground stormwater management system that includes artistic elements to collect and divert stormwater;
    - Two (2) benches or similar permanent seating accessible to the public; or
    - Historic marker indicating important historic event or former uses on the site.

(6) Implement a temporary erosion and sedimentation control plan for all new construction activities associated with the project.

(7) Exceptions to Maximum Height Regulations in the Industrial District
For new development or additions that would otherwise be subject to Section 5.3.19, heights over 39 feet or three stories are allowed subject to the following development standards:
- Demonstrate that new buildings or additions shall allow for full sun at least half the time or 50% sun coverage all the time on March 21, June 21, September 21, and December 21 on the lots within the required residential buffer as defined in Section 5.3.19. The Redevelopment Board or Board of Appeals, as applicable, shall find that any shadow on abutters with existing solar panels would be negligible to allow the higher height limit
- Provide one (1) of the following sustainable roof infrastructure components. In the case of a building that is solar ready per Section 5.6.2.A(1), the component should cover the remaining roof area where appropriate:
    - Install a vegetated or green roof over 50% of the roof area.
    - Use diffuse, highly reflective materials on 75% of the roof area.
    - Install solar energy panels tied to the electrical system of the building. For new commercial or mixed-use building, provide solar PV and/or solar thermal on a minimum of 50 percent of the roof area.
    - Provide 100% highly reflective concrete topping.
    - Install a blue roof over 50% of the roof area to provide initial temporary water storage and then gradual release of stored water.
- Retain and treat 100% of stormwater on site.

To amend the Zoning Bylaw in Section 5.6.3 as follows:

Class of Use	**I**
Residential	
<u>Artists' Mixed-use</u>	<u>SP</u>

Agricultural	
Vertical Farming	SP
Commercial & Storage Uses	
Self-service storage facility	SP
Eating and Drinking Establishments	
Restaurant => 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more	SP
Retail	
Retain, general, >3,000 sq. ft. of gross floor area	SP
Retail, local; <3,000 sq.ft. of gross floor area	Y
Office Uses	
Including, but not limited to professional, business, or medical or dental offices	
gross floor area per building	Less than ~~3,000~~ 5,000 sq. ft. Y
gross floor area per building	~~3,000~~ 5,000 sq. ft. or more SP
Office, display or sales space ~~providing not more than 25% of floor space is used for assembling, packaging and storing commodities~~; percentage of space used for office, assembling, packaging and storing commodities is flexible.	Y
Co-working Space	
floor area per building	Less than 5,000 sq. ft. gross Y
floor area per building	5,000 sq. ft. or more gross SP
Wholesale Business & Storage	
Office, display or sales space of a wholesale, jobbing, or distributing establishment ~~provided that no more than 25% of floor space is used for assembling, packaging and storing of commodities~~**;** percentage of space used for office, assembling, packaging and storing commodities is flexible.	Y
Research, Laboratory, Related Uses	
Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities ~~limited to 25% of the floor area~~.	SP
Light Industry	
Brewery, distillery, winery	SP
Flex space	SP
Food production	SP
Other Principal Uses	
Work-only Artist Studio	Y
Maker Space	Y
Accessory Uses	
Tasting, accessory to a commercial brewery, winery, distillery	Y

Notes

[A] Six or more units on one or more contiguous lots requires a special permit.

[B] But permitted by right if accessory to a use exempt under G.L. c. 40A, § 3. See Section 3.5.

[C] If customers or pupils do not come to the house for business or instruction.

[D] ~~Mixed-use in Industrial Zones shall not include residential uses~~. Mixed use in Industrial Zones may include residential uses (as allowed by Section 5.6.4.A), subject to the requirements of Section 5.6.4.H.

To amend the Zoning Bylaw by adding Section 5.6.4 as follows:

5.6.4 Uses in the Industrial Districts.

A. Artists' Mixed-Use. Any portion of a building devoted to such use shall be subject to the following conditions:

1. Occupied by persons certified as artists pursuant to the Arlington Commission for Arts and Culture (ACAC) Artist Certification Process,
2. Designed in accordance with ACAC standards and guidelines for artists' mixed-use space, and
3. Subject to an agreement for artists' housing as part of the conditions of a special permit granted by the Redevelopment Board or Board of Appeals, as applicable

B. Co-working Space. Rules for membership and participation in the co-working space shall be explicit, transparent, and available to the public. Co-working spaces may host classes or networking events which are open either to the public or to current and prospective members.

C. Maker Space. Maker Spaces may host classes or networking events which are open to the public. Maker Spaces may also include a membership component.

D. Brewery, distillery, and winery, including functional equivalents. Tap room hours of operation open to the public shall not represent disturbance to adjacent residential uses and such hours must follow the Commonwealth of Massachusetts requirements for licensing and operations.

E Flex Space. The firm using the Flex Space must meet the following criteria:

1. All of the uses on the site must be specifically allowed as principal uses within the Arlington Industrial Zone.
2. Changes in products, services, and square footage of uses will not require further approval for use if the Building Inspector determines the uses and property are otherwise in conformance with the Bylaws.
3. The floor area of each use is unrestricted except for uses where a limitation on size or density is present. In this case, the floor area of such use shall be at or below the given limitation.

F. Food production facility. Food and beverage facilities shall:

1. Properly store equipment and remove litter and waste within the immediate vicinity of the plant buildings or structures as to avoid becoming a breeding place, or harborage for pests.
2. Constantly check for pests and pest infestation

3. Locate and operate fans and other air-blowing equipment in a manner that minimizes noise levels and the potential for contaminating the building and its surroundings to avoid health hazards to the public
4. Not locate vents on the façade adjacent to sidewalks or the Minuteman Bikeway to avoid exposure to the public.

G. Vertical Farming. This use shall be approved by a special permit from the Redevelopment Board or Board of Appeals, as applicable. to make sure operations such as lighting, gases, humidity, and temperature do not affect the surrounding microclimate and the well-being of adjacent uses.

H. Mixed-Use Building in the Industrial District. Mixed-use development may be integrated vertically, within a single building, or horizontally, in multiple buildings on the same site. The ground floor use of the principal building on the site must be industrial or commercial. Further, residential uses may be a component of a mixed-use development and are limited to no more than the gross floor area of the principal ground floor Light Industrial use (subject to Section 5.6.4.A). The Redevelopment Board may allow an increase of residential floor area to no more than twice the gross floor area of the principal ground floor Light Industrial use upon a finding of financial infeasibility.

To amend the Zoning Bylaw by adding a Section 5.9.2 as follows:

5.9.2 Accessory Dwelling Units

A. Purpose. The purpose of this Section 5.9.2 includes:

(1) Promoting the use of accessory dwelling units as a means of providing Arlington property owners with an opportunity to age in place, to create independent living space for elderly, disabled or other family or household members, to downsize or to earn supplemental income from investing in their properties.

(2) Helping Arlington residents to conserve and grow their own property values.

(3) Encouraging housing for persons of all income levels and ages.

(4) Encouraging an orderly expansion of the tax base without detracting from the existing character of the affected neighborhoods.

B. Requirements.

(1) In any Residential District or Business District, an accessory dwelling unit is permitted as an accessory use to any single-family dwelling, two-family dwelling, or duplex dwelling, if all of the following conditions are met:

- An accessory dwelling unit shall be not larger in floor area than one-half the floor area of the principal dwelling or 900 square feet, whichever is smaller. For the avoidance of doubt, where an accessory dwelling unit is created by converting a portion of an existing principal dwelling to an accessory dwelling unit, the floor area of the resulting accessory dwelling

unit shall be measured relative to the floor area of the resulting principal dwelling (as affected by or in connection with the conversion).

- Any alteration causing an expansion of or addition to a building in connection with an accessory dwelling unit shall be subject to the provisions of Section 5.4.2.B(6) if and to extent section 5.4.2.B(6) is otherwise applicable to such alteration or addition.

- An accessory dwelling unit shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling, sufficient to meet the requirements of the State Building Code for safe egress.

- No more than one (1) accessory dwelling unit is allowed per principal dwelling unit.

- An accessory dwelling unit may be located in (i) the same building as the principal dwelling unit or as an expansion to such building; (ii) a building that is attached to the principal dwelling unit; or (iii) an accessory building, which accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit, provided that if such accessory building is located within 6 feet of a lot line then such accessory dwelling unit shall be allowed only if the Board of Appeals, acting pursuant to Section 3.3, grants a special permit upon its finding that the creation of such accessory dwelling unit is not substantially more detrimental to the neighborhood than the use of such accessory building as a private garage or other allowed use.

- An accessory dwelling unit shall not be used as a short-term rental, in accordance with Title V, Article 18, Section 3 of the By-Laws of the Town of Arlington.

- An accessory dwelling unit shall be subject to all applicable requirements of the State Building Code and State Fire Code (including any such requirements, if and as applicable, which prohibit openings, including windows, in exterior walls of dwellings located within a certain distance from the property line).

(2) The creation or addition of an accessory dwelling unit shall not change the zoning classification of the property in question and shall not affect any zoning relief previously obtained for such property. By way of example only (and without limitation), a single-family dwelling having an accessory dwelling unit shall continue to be classified as a single-family dwelling for single-family use under the Zoning Bylaw; a two-family dwelling having an accessory dwelling unit shall continue to be classified as a two-family dwelling for two-family use under the Zoning Bylaw; and a duplex having an accessory dwelling unit shall continue to be classified as a duplex dwelling for duplex use under the Zoning Bylaw.

(3) No off-street parking spaces are required in connection with the creation or addition of an accessory dwelling unit.

(4) An accessory dwelling unit shall not be owned separately from the principal dwelling unit with which such accessory dwelling unit is associated.

C. Administration

(1) Prior to the issuance of a building permit for an accessory dwelling unit, the owner must deliver an affidavit to the building inspector stating that the owner or a family member of the owner will reside in either the principal dwelling unit or the accessory dwelling unit upon completion of the accessory dwelling unit.

(2) The creation or addition of an accessory dwelling unit to a principal dwelling unit shall not be subject to the foregoing paragraph 5.9.2.C(1) if the principal dwelling unit and accessory dwelling unit are owned by a non-profit or governmental entity and the accessory dwelling unit is restricted as an affordable unit.

(3) This Section 5.9.2 shall be effective as of the date on which it is enacted at Town Meeting in accordance with applicable law, except for clause (iii) of Section 5.9.2.B.(1), fifth bullet, which clause (iii) shall be effective as of the date occurring six (6) months after the date on which this Section 5.9.2 is enacted at Town Meeting.

(4) In the event of any conflict or inconsistency between the provisions of this Section 5.9.2 or Section 8.1.3.E, on the one hand, and any other provisions of this Bylaw, the provisions of this Section 5.9.2 and Section 8.1.3.E shall govern and control.

To amend the Zoning Bylaw in Section 6.1.4 as follows:

Use	Minimum Number of Spaces
Manufacturing, Light	1 space per ~~600~~1000 sq.ft. of gross floor area or 0.75 spaces per employee of the combined employment of the two largest successive shifts, whichever is greater.

To amend the Zoning Bylaw in Section 6.1.5 as follows:

When the applicable Special Permit Granting Authority determines that a business in ~~the B3 or B5~~ a Business District has no ability to create new parking onsite and that there is adequate nearby on-street parking or municipal parking, it may reduce to less than 25 percent or eliminate the amount of parking required in the Table of Off-Street Parking Regulations. In those circumstances, the applicable Special Permit Granting Authority may require the applicant to incorporate methods set forth in subparagraphs A., B., and C. of this section. The reductions described in this paragraph do not apply to residential use classes identified in Section 5.5.3. and are in addition to the exemption from the parking requirements for the first 3,000 square feet of non-residential space in a mixed-use development as set forth in Section 6.1.10.C.

To amend the Zoning Bylaw in Section 6.1.10 by adding a Section F as follows:

F. Parking in Industrial Districts. In an Industrial District, all parking and loading areas shall be subject to the following requirements in addition to the applicable requirements of Section 6.1.10:

1. The parking area shall be located to the rear or side of the primary building. No parking shall be permitted in the front yard nor shall any driveways directly in front of a structure be permitted without a finding by the Board of Appeals or the Redevelopment Board, as applicable, that the parking or driveway is necessary and convenient to the public interest.
2. Any loading and/or delivery access shall be located at the rear of the building or in an alley between buildings on the same lot. In the case of demonstrated hardship, an alternative may be approved by the Redevelopment Board.

To amend the Zoning Bylaw in Section 6.1.11 by adding a Section F as follows:

F. Parking in Industrial Districts. In an Industrial District, all parking and loading areas shall be subject to the following requirements in addition to the applicable requirements of Section 6.1.11.:

1. Parking spaces above the minimum number required by Section 6.1.4. shall be surfaced with a permanent pervious material or binder.
2. For parking areas not covered with pervious surfaces, one of the following options must be chosen to reduce the heat given off by the paved surface of the parking area:
   - Install a highly reflective surface using one of the following options:
     - Roller-compacted concrete
     - Concrete over asphalt (white topping and ultra-thin white topping)
     - Use of light-colored aggregate in asphalt.
     - Asphalt, concrete and pavers with modified colors
   - Increase shade of the impervious pavement to a minimum of 50% of the surface by one or both of the following methods:
     - Installing trees within the landscaped areas required by Section 6.1.11.D(6).
     - Solar panels over parking spaces allowing cars to park underneath.
3. Rain gardens, bioswales, and wetlands restoration, as appropriate to control runoff and manage stormwater on-site, are strongly encouraged and should act as a transition between parking and open space.
4. Electric vehicle charging stations are strongly encouraged.
5. All parking surfaces shall comply with requirements of Section 3.4.4(E).

To amend the Zoning Bylaw in Section 6.1.12 by amending it as follows:

Use	**Minimum Number of Long-Term Bicycle Parking Spaces**	**Minimum Number of Short-Term Bicycle Parking Spaces**
Business or Industrial Use		
Manufacturing, Light	~~0.80 spaces~~1 space per 1,000 Sq.ft of gross floor area or 0.75 spaces per employee of	0.60 spaces per 1,000 sq. ft.

	the combined employment of the two largest successive shifts, whichever is greater	of gross floor area
Office, medical, or clinic	~~0.30 spaces~~1 space per 1,000 sq.ft. of gross floor area	0.50 spaces per 1,000 sq.ft. of gross floor area

To amend the Zoning Bylaw in Section 8.1.3 by adding a Section E as follows:

E. The creation or addition of an accessory dwelling unit within an existing single-family dwelling, two-family dwelling, or duplex dwelling, or within an existing accessory building on the same lot as any such dwelling, does not increase or affect the nonconforming nature of said existing dwelling or accessory building, and shall not cause such dwelling or accessory building to become non-conforming or result in any additional dimensional requirements with respect to such dwelling or accessory building, provided that such creation or addition of an accessory dwelling unit neither expands the footprint nor the height of said dwelling or accessory building, in each case except (i) for changes necessary to provide for required egress or other modification to meet the State Building Code and State Fire Code, (ii) for any projects allowed under Section 5.3.9, and (iii) to the extent authorized by a special permit issued pursuant to clause (iii) of Section 5.9.2.B(1), fifth bullet.

To amend the Zoning Bylaw in Section 8.2.2 by amending the final paragraph to read:

Any residential development of the uses listed above involving one lot, or two or more adjoining lots in common ownership or common control, for which special permits or building permits are sought within a ~~two-year~~ three-year period from the first date of special permit or building permit application shall comply with the provisions of this Section 8.2.

To amend the Zoning Bylaw in Section 8.3 as follows:

A. General

(1) Marijuana Establishments and Medical Marijuana Treatment Centers shall be allowed only after the granting of an Environmental Design Review Special Permit by the Arlington Redevelopment Board, subject to the requirements of Section 3.4 and this Section.

(2) Marijuana Retailers, Marijuana Delivery-Only Retailers, and Marijuana Production Facilities, as defined in Section 2, may be established to provide Marijuana Products for medical use, non-medical use, or both, in accordance with applicable state laws and regulations.

(3) Marijuana Establishments and Medical Marijuana Treatment Centers shall be located only in a permanent building and not within any mobile facility, with the exception that Marijuana Microbusiness with a Delivery Endorsement and Marijuana Delivery-Only Retailers may conduct mobile deliveries in accordance with 935 CMR 500.000. All sales, cultivation, manufacturing, and other related activities shall be conducted within the building, except in cases where home deliveries are authorized to serve qualified medical marijuana patients pursuant to applicable state and local regulations and except that Marijuana Microbusiness with a Delivery Endorsement and Marijuana Delivery-Only Retailers may conduct sales in accordance with 935 CMR 500.000.

(4) Marijuana Production Facilities shall not be greater than 5,000 square feet in gross floor area, and shall be licensed as a Marijuana Microbusiness if Marijuana Products are cultivated or produced for non-medical use.
(5) A Marijuana Retailer or Marijuana Production Facility that has previously received an Environmental Design Review Special Permit from the Arlington Redevelopment Board for a Medical Marijuana Treatment Center shall be required to amend its previously issued Special Permit to authorize the conversion to or co-location of a Marijuana Establishment for the non-medical use of marijuana.

B. Location

(1) Pursuant to 935 CMR 500.110, Marijuana Establishments shall not be permitted within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12. This standard also applies to Medical Marijuana Treatment Centers not already permitted by the date of this bylaw.
(2) Marijuana Establishments and Medical Marijuana Treatment Centers, not already permitted by the date of this bylaw, shall not be located within 300 feet of Town-owned playgrounds and recreational facilities and 200 feet of public libraries, unless a finding of the Arlington Redevelopment Board determines that the location, based on site-specific factors, or if the Applicant demonstrates, to the satisfaction of the Arlington Redevelopment Board, that proximity to the aforementioned facilities will not be detrimental based upon criteria established in 3.3.3 and 3.3.4.
(3) A Marijuana Retailer shall not be permitted within 2,000 feet of another Marijuana Retailer; A Medical Marijuana Treatment Center shall not be permitted within 2,000 feet of another Medical Marijuana Treatment Center.
(4) The distances referred to in this section shall be measured as defined in 935 CMR 500.110(3)(a).

C. Cap on the number of Special Permits for Marijuana Retailers

(1) The Arlington Redevelopment Board shall not grant a special permit if doing so would result in the total number of Marijuana Retailer licenses to exceed a maximum of three.

For any amendment to the Zoning Bylaw, claims of invalidity by reasons of any defect in the procedure of adoption or amendment may only be made within 90 days of the second publication of this text on October 14, 2021.

Copies of such Bylaws may be obtained in the Office of the Town Clerk upon request or at arlingtonma.gov/departments/clerk-s-office

ATTEST: Juliana H. Brazile
Town Clerk